

Jonah A. Grossbardt (SBN 283584)
Matthew L. Rollin (SBN 332631)

SRIPLAW, P.A.

8730 Wilshire Boulevard
Suite 350
Beverly Hills, California 90211
323.364.6565 – Telephone
561.404.4353 – Facsimile
jonah.grossbardt@sriplaw.com
matthew.rollin@sriplaw.com

Attorneys for Plaintiff
ERIC ALLEN PICKERSGILL

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ERIC ALLEN PICKERSGILL,

Plaintiff,

v.

COMEDY TECHNOLOGIES, INC.,

Defendant.

Case No.: 2:22-cv-8171

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (INJUNCTIVE
RELIEF DEMANDED)**

Demand for Jury Trial

Plaintiff ERIC ALLEN PICKERSGILL by and through his undersigned
counsel, brings this Complaint against Defendant COMEDY TECHNOLOGIES, INC.
for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

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1. Plaintiff ERIC ALLEN PICKERSGILL (“Pickersgill”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Pickersgill's original copyrighted works of authorship.

2. Pickersgill is a full time artist, husband, and father working in North Carolina. He received a Bachelor of Fine Arts degree with a concentration in Fine Art Photography from Columbia College Chicago in 2011 and a Master of Fine Arts degree at The University of North Carolina at Chapel Hill in 2015. The work Pickersgill makes is often about photography as he explores the psychological and social effects that cameras and their artifacts have on individuals and societies as a whole. Pickersgill's work has been exhibited internationally at institutions, galleries, and art fairs such as The North Carolina Museum of Art, Pantheon-Sorbonne University, The Ackland Art Museum, Rick Wester Fine Art, Pulse Art Fair Miami, AIPAD, and many more.

3. Defendant COMEDY TECHNOLOGIES, INC. (“CTI”) is a digital media company with 60 million followers focused on creating content for teens and young adults of the Gen Z generation, primarily on Instagram and Snapchat. CTI owns “Daquan,” a meme account with 12.3 million Instagram followers, and other channel, which it has turned into a “brand.” CTI works with brands like Microsoft, Electronic Artists, Netflix and Burger King, by pitching them different creatives with a guarantee of 5 or 10 million impressions. At all times relevant herein, CTI owned and operated the internet website located at the URL www.comedy.com (the “Website”). The Website is a human-interest news media outlet that features memes, news, entertainment, and laughable content with over 20 million monthly readers.

4. Pickersgill alleges that CTI copied Pickersgill's copyrighted Works from the Internet in order to advertise, market and promote its business activities. CTI committed the violations alleged in connection with CTI’s business.

5. Pickersgill alleges that CTI copied fifteen copyrighted Works without Pickersgill's authorization or license.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Defendant is subject to personal jurisdiction in California.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

10. Comedy Technologies, Inc. is a Delaware Corporation, with its principal place of business at 10401 Venice Boulevard, Suite 296, Los Angeles, CA 90034, and can be served by serving its Registered Agent, C T Corporation System, 330 North Brand Boulevard, Suite 700, Glendale, CA 91203.

THE COPYRIGHTED WORKS AT ISSUE

11. The below table details the Copyright Titles, Registration Numbers and Registration Issue Dates of the works of intellectual property at issue in this case, one of which is shown below, and which are referred to herein as the "Works." Copies of the Works are attached hereto as **Exhibit 1**. Copies of the Registration Certificates are attached hereto as **Exhibit 2**.



Copyright Title	Registration Number	Registration Issue Date
Grandson and Grandfather	VA 2-202-092	4/2/2020
Circle Train Passenger	VA 2-202-092	4/2/2020
First Person	VA 2-202-092	4/2/2020
Temple of Literature	VA 2-202-092	4/2/2020
Village Elders	VA 2-202-092	4/2/2020
Angie Tree Shopping Close	VAu 1-258-364	7/5/2016
Head on	VAu 1-258-364	7/5/2016
Phyllis Photographing	VAu 1-258-364	7/5/2016

Copyright Title	Registration Number	Registration Issue Date
Debbie and Kevin	VAu 1-258-364	7/5/2016
Angie and Me	VAu 1-258-364	7/5/2016
Cody and Erica	VAu 1-258-364	7/5/2016
Jimmy and Michelle	VAu 1-258-364	7/5/2016
Cara After Thanksgiving	VAu 1-258-364	7/5/2016
TEDxBend Removed	VAu 1-258-364	7/5/2016
Grant	VAu 1-258-364	7/5/2016

12. At all relevant times Pickersgill was the owner of the copyrighted Works at issue in this case.

INFRINGEMENT BY DEFENDANT

13. CTI has never been licensed to use the Works at issue in this action for any purpose.

14. On a date after the Works at issue in this action were created, but prior to the filing of this action, CTI copied the Works.

15. On or about April 30, 2021, Pickersgill discovered the unauthorized use of his Works in an article on the Website entitled “This Photoshop Artist Reveals Our Lonely Truth” showing a “last update” date of March 9, 2021.

16. CTI committed copyright infringement of the Works as evidenced by the documents attached hereto as **Exhibit 3**.

17. The infringing article was not posted for the purpose of criticism, comment or new reporting of the copyrighted Works or Pickersgill, but instead to drive traffic to the Website.

1 18. CTI used over fifteen full size images of Pickersgill's photographs
2 without permission.

3 19. CTI's Website contains third-party commercial advertisement and CTI
4 copied and distributed Pickersgill's copyrighted Works to draw traffic to these
5 advertisements to earn CTI remuneration.

6 20. CTI used over fifteen of Pickersgill's images in full and in high
7 resolution without permission.

8 21. CTI relies on advertising for its business.

9 22. CTI's Website is full of advertising as evidenced by the documents
10 attached hereto as **Exhibit 3**.

11 23. CTI copied Pickersgill's copyrighted Works without Pickersgill's
12 permission.

13 24. After CTI copied the Works, it made further copies and distributed the
14 Works on the Internet to promote its entertainment website business.

15 25. CTI copied and distributed Pickersgill's copyrighted Works in connection
16 with CTI's business for purposes of advertising and promoting CTI's business, and in
17 the course and scope of advertising and selling products and services.

18 26. Pickersgill's Works are protected by copyright but are not otherwise
19 confidential, proprietary, or trade secrets.

20 27. Pickersgill never gave CTI permission or authority to copy, distribute or
21 display the Works at issue in this case.

22 28. Pickersgill notified CTI of the allegations set forth herein on December
23 29, 2021. To date, the parties have failed to resolve this matter.

24 **COUNT I**
25 **COPYRIGHT INFRINGEMENT**

26 29. Pickersgill incorporates the allegations of paragraphs 1 through 28 of this
27 Complaint as if fully set forth herein.
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36. The harm caused to Pickersgill has been irreparable.

Attorneys for Plaintiff Eric Allen Pickersgill